

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**



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<b>Application No.:</b>	DOA-2010-01975
<b>Control No.:</b>	1974-00195
<b>Applicant:</b>	Palm Beach County
<b>Owners:</b>	Palm Beach County
<b>Agent:</b>	Palm Beach County - Audrey Wolf
<b>Telephone No.:</b>	(561) 233-0251
<b>Project Manager:</b>	Joyce Lawrence, Site Planner II

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**Location:** Southeast corner of Alternate A1A and Indiantown Road (Jonathan's Landing PUD)

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**TITLE:** Development Order Amendment REQUEST: to allow an external access point

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**APPLICATION SUMMARY:** Proposed is a Development Order Amendment to modify the approved Master Plan for the Jonathan's Landing Planned Unit Development (PUD). The 631.05-acre parcel of land was approved by the Board of County Commissioners (BCC) on October 25, 1973 to allow a rezoning and a special exception for a 1,232-Unit PUD. The approved Master Plan also included a 120-acre golf course, a 12-acre commercial parcel, 6.9 acres of civic uses, 7.9 acres of marina and a 30-acre County Waterway Park. The applicant is proposing to add one access point (ingress only) to allow entrance to the approved but undeveloped proposed Waterway County Waterway Park site. A final site plan for the park will be approved (Application DRO-2010-1976) administratively after the BCC access point is approved. Access to the site will remain from Indiantown Road and Alternate A1A.

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**ISSUES SUMMARY:**

o Project History

On October 25, 1973, the Board of County Commissioners (BCC) approved via Resolution No. R-73-731, an official Zoning Map Amendment to rezone the subject site from the Agricultural (AG) Zoning District in part and the Residential Multiple Family (RM and RH) Zoning Districts in part to Residential Multifamily (RM), with a Special Exception to allow a Planned Unit Development (PUD) Zoning District. On December 19, 1974, the BCC approved a Special Exception to add a marina via Resolution Nos. R-75-032 and on October 25, 1979, modify a condition (Special Exception) via R-79-1632 and on May 29, 1980 delete a condition via R-80-850. On March 24 1994, the BCC approved a Development Order Amendment (DOA) to amend the Master Plan to re-designate units in Pod AA to single family and increase density (13 single family units) via Resolution No. R-94-364. On April 25, 1996, the BCC approved a DOA to add 2 access points to the commercial pod via Resolution No. R-96-536 and on July 25, 1996 amended said Resolution (R-96-536) to correctly consolidate all the previous modified and deleted conditions via Resolution No. R-96-1014. On August 28, 1998, the BCC approved a DOA to allow a convenience store with gas sales in the commercial pod via Resolution No. R-97-1084.

- o Consistency with the Comprehensive Plan

The Planning Division has reviewed the application and determined that the request is consistent with the site's Low Residential with an underlying 3 units per acre (LR-3) Future Land Use (FLU) designation as assigned by the Comprehensive Plan. Additionally, the site is located within the Urban/Suburban Tier. See Planning Division comments for additional information.

- o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Commercial, with an underlying LR-2 (C/2)

Zoning District: (Jupiter)

Supporting: Commerical, Residential

SOUTH:

FLU Designation: Commercial, with an underlying LR-2 (C/2)

Zoning District: (Jupiter)

Supporting: Commerical, Residential

SOUTH:

FLU Designation: (R1)

Zoning District: (Jupiter)

Supporting: Commerical, Residential

EAST:

FLU Designation: (Intercos)

Zoning District: (Intercos)

Supporting: Intercoastal Waterway

WEST:

FLU Designation: (Jupiter)

Zoning District: (R3,R2,MC)

Supporting: Commerical, Residential, Medical

The subject site is located in a predominantly mixed developed area with the easternmost side adjacent to the Intracoastal Waterway. The site is surrounded by residential and commercial uses but the proposed request for the access point (ingress only) should not affect the compatibility of the surrounding land uses.

- o Access Point

The applicant is proposing to add one access point (ingress only) to allow entrance to the approved but undeveloped proposed Waterway County Park site. Egress will be provided from the Jonathan's Landing access that is located north of their guard house gate. A final site plan for the park will be approved (Application DRO-2010-1976) administratively should the BCC approved the proposed access point. The proposed access point from Indiantown Road will serve as a secondary ingress only entrance to the Waterway County Park. Currently there is a previously approved access point (ingress/egress) to the Waterway County Park from Jonathan's Drive, a private road from Indiantown Road which is also used by the residents of the Jonathan's Landing PUD and also for access to the civic site.

The applicant also states that there was an agreement between FDOT and the Jonathan's Landing Home Owners Association (HOA) residents for the proposed access easement since the proposed lane crosses HOA property.

- o Development Order Amendment – Changed Circumstances

The proposed request is to add an access point for entrance to the Waterway County Park (DRO Application No. 2010-1976) with no other amendment to the previously approved Jonathan's Landing PUD. The applicant states that the proposal resulted from concerns raised from the residents of

Jonathan’s Landing PUD to limit the traffic entering Jonathan’s Drive, a private road from the northern entrance off the ultimate right of way for Indiantown Road. The 30-acre park was approved on the preliminary master plan as part of the original 1974 approval for recreational requirement and the park was dedicated to the County but was never developed. The applicant also states that there was an agreement between FDOT and the Jonathan’s Landing Home Owners Association (HOA) resident for a proposed access easement since the proposed lane crosses HOA property. In addition, a proposed easement is being developed between Palm Beach County and the HOA to provide access to the County Waterway Park site.

- o January 7, 2011 Zoning Commission (ZC) Hearing

The applicant requested a postponement from the January 7, 2011 ZC Hearing to the February 3, 2011 ZC hearing in order to meet with the residents of Jonathan’s Landing. The Board voted to postpone with a vote of 6-0. At time of printing an update from the agent has not been provided.

- o February 3, 2011 Zoning Commission (ZC) Hearing

At the February 3, 2011 ZC Hearing this project was on the consent agenda. The ZC voted unanimously 8-0 to recommend approval.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-43-41-06-04-001-0010 00-43-41-06-16-000-0042	Same
Land Use Designation:	Low Residential (LR-3)	Same
Zoning District:	Planned Unit Development	Same
Tier:	Urban/Suburban Tier	Same
Use:	Commercial - General Convenience Store with Gas Sales and Accessory Car Wash Park, Public Single-Family	Same
Acreage:	631.05 acres	Same
Dwelling Units:	1,232 units	Same
Density:	2 units per acre	Same
Building Coverage:	17.4%	Same
Floor Area:	89,121 approved square feet	Same
FAR:	0.18	Same
Access:	6	7

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 2 responses from the public regarding this project. One (1) was in support and the other in opposition with concerns regarding increase in traffic and possibly accident.

**RECOMMENDATION:** Staff recommends approval of the request subject to 41 Conditions of Approval as indicated in Exhibit C.

**ACTION BY THE ZONING COMMISSION:** January 7, 2011: Motion to postpone carried by a vote of 6-0.

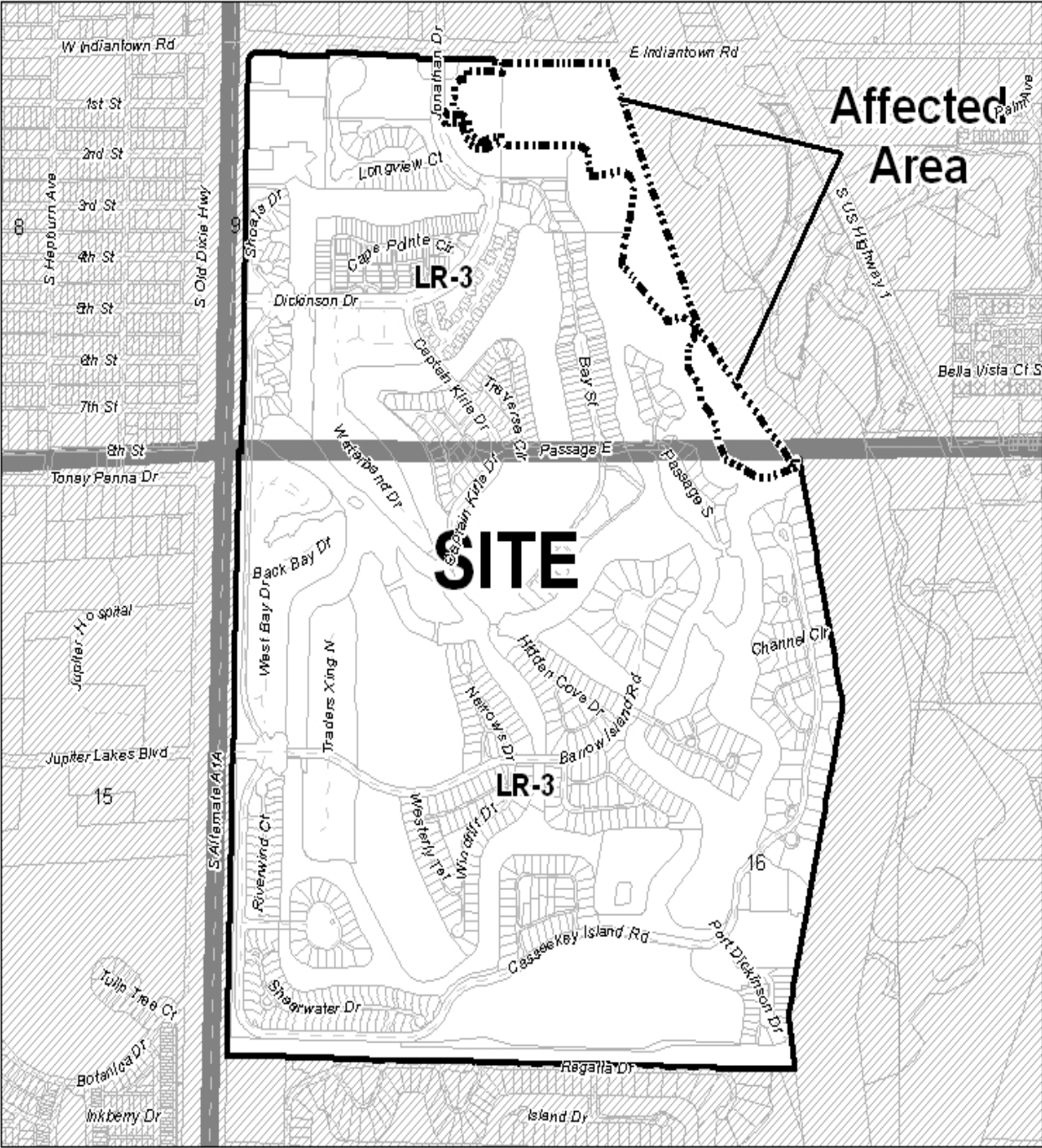
**ACTION BY THE ZONING COMMISSION:** February 3, 2011: Motion to postpone carried by a vote of 8-0.

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**MOTION:** To adopt a Resolution approving a Development Order Amendment to allow an external access point subject to Conditions of Approval as indicated in Exhibit C.

# PALM BEACH COUNTY PLANNING DIVISION

## SITE LOCATION AND LAND USE



Application Number:	DOA-2010-1975
Control Number:	1974-195
Land Use Atlas Page:	9, 16
Date:	11/23/2010



Figure 1 Land Use Atlas Map



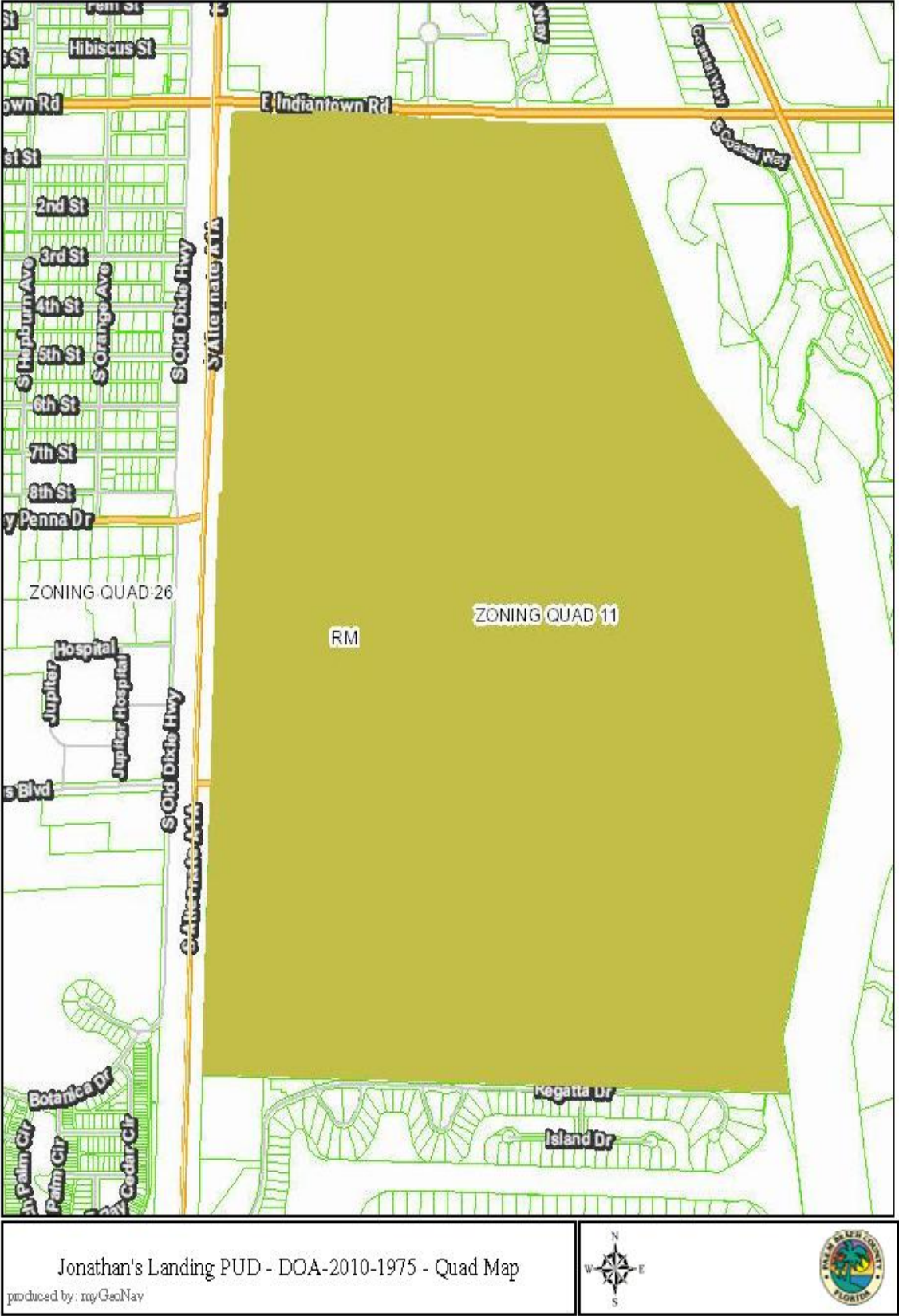


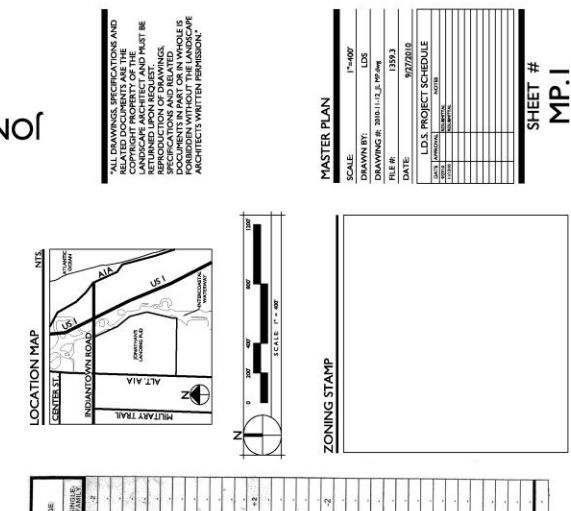
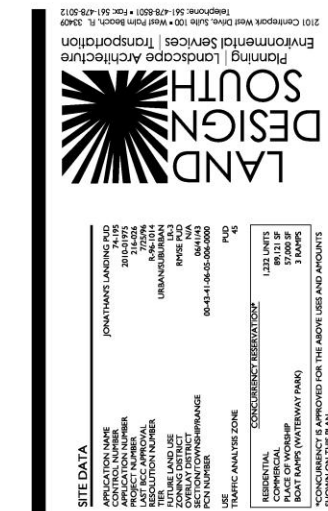
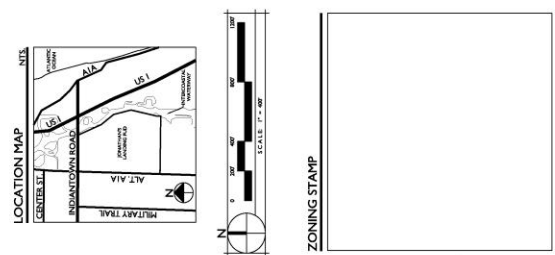
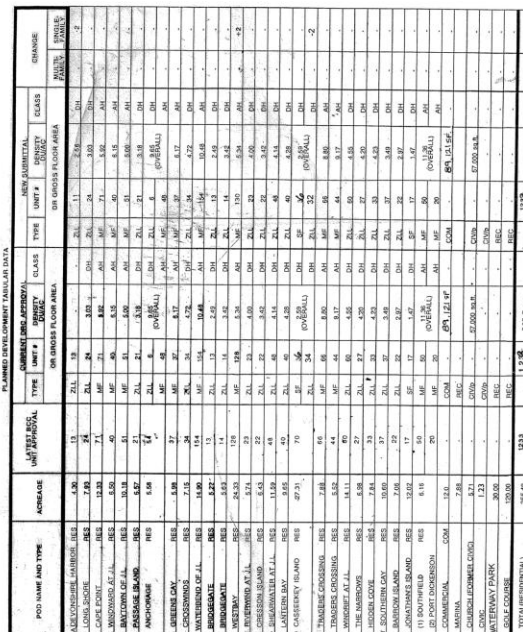
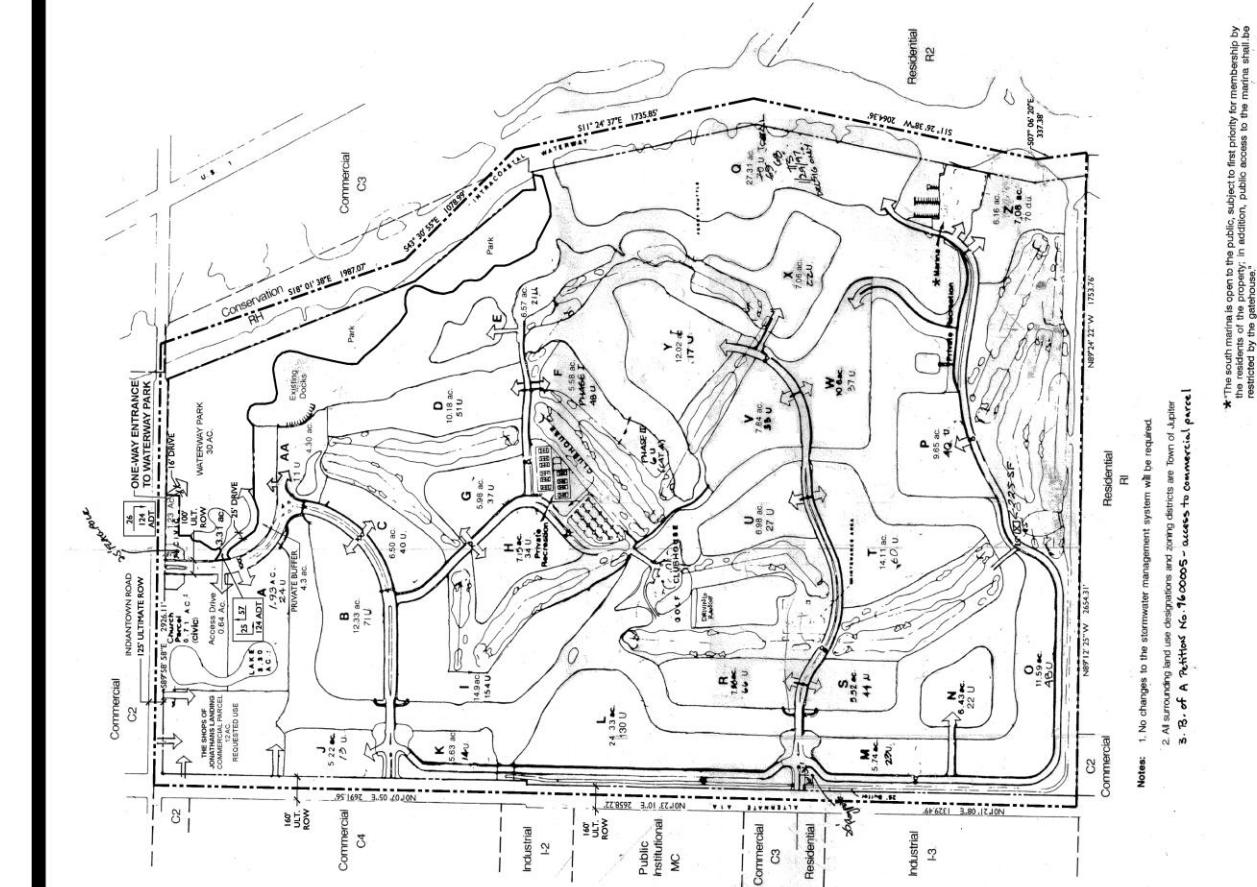
Figure 2 Zoning Quad Map



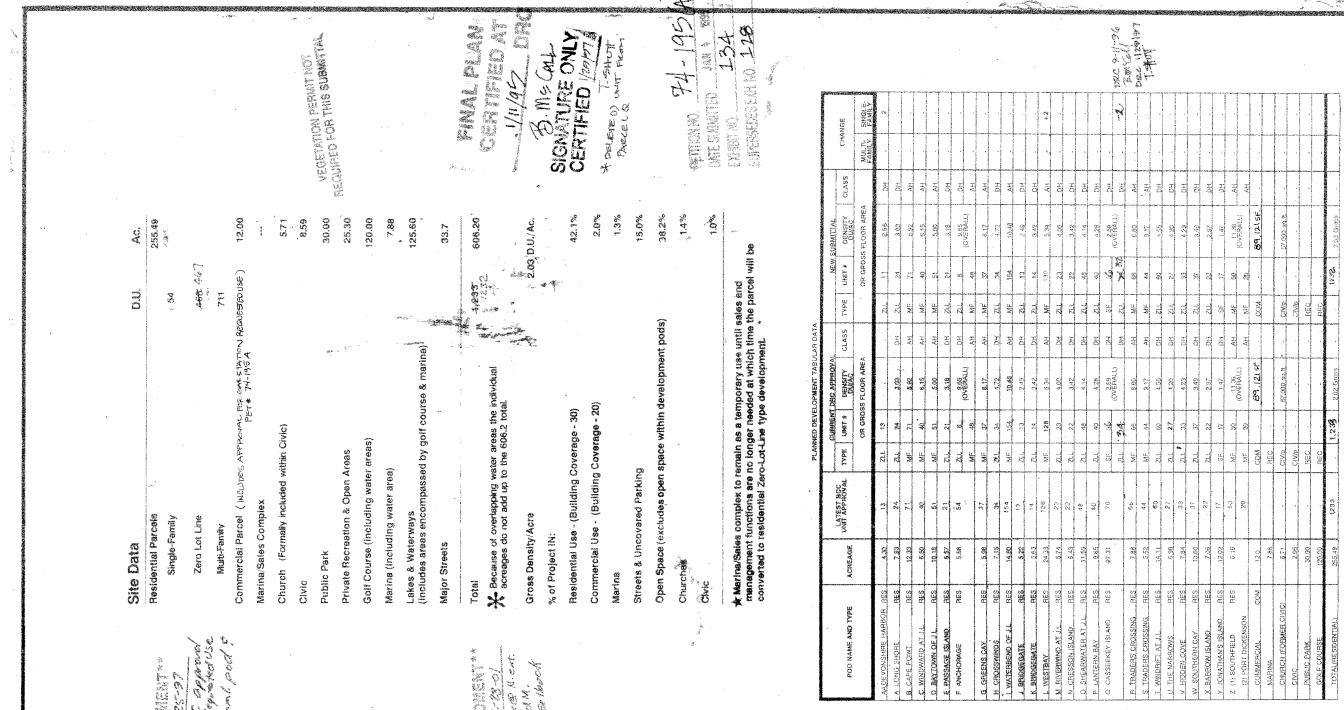
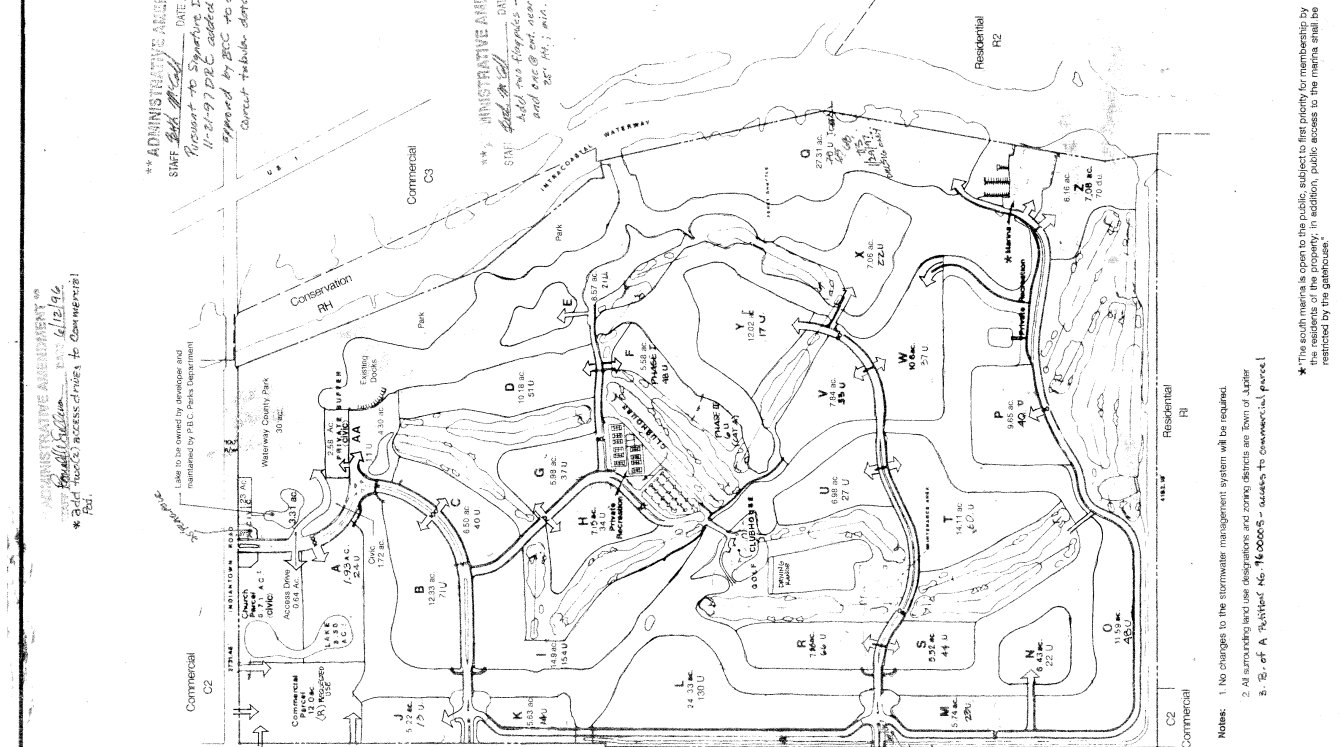
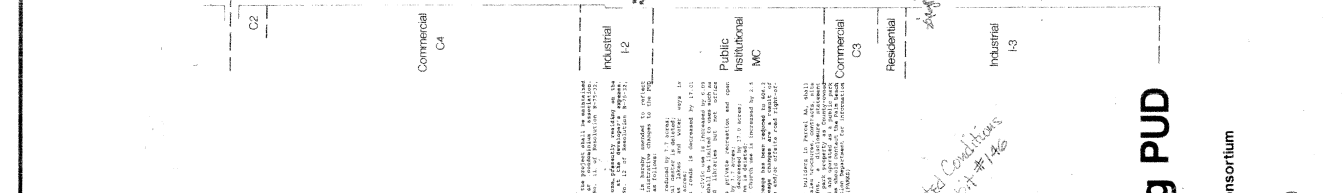
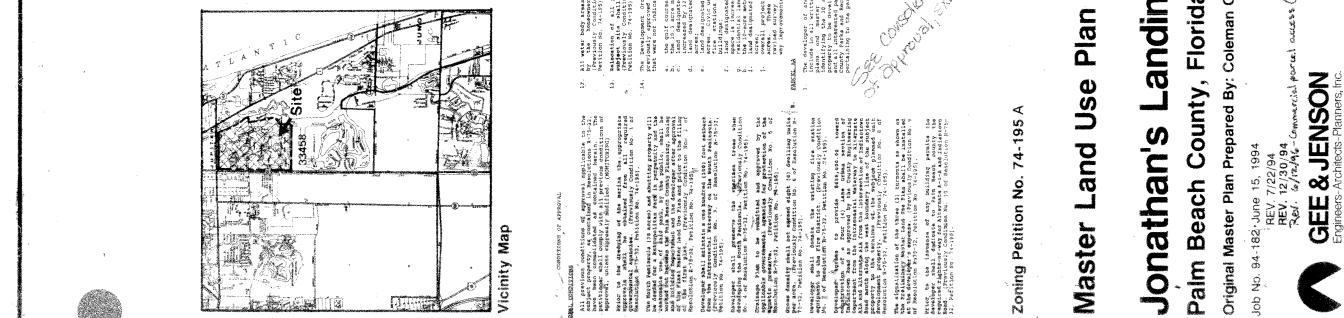


Figure 3 Aerial









## **STAFF REVIEW AND ANALYSIS**

### **PLANNING DIVISION COMMENTS:**

FUTURE LAND USE (FLU) PLAN DESIGNATION: Low Residential 3 units per acre (LR-3) FLU.

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject property is within the future annexation area of the Town of Jupiter.

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the Town of Jupiter and the Town of Jupiter Inlet Colony.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to allow an external access point and has determined that this request is consistent with the FLU designation of Low Residential 3 units per acre (LR-3).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The site is not located within any neighborhood plan or study area.

The map of known Archaeological sites indicated archaeological resources have been previously recorded on this property. Article 9 stipulates that any ground disturbing activity requires a Certificate to Dig issued from the County prior to any activity taking place.

FINDINGS: The request is consistent with the LR-3 land use designation of the Palm Beach County Comprehensive Plan.

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### **ENGINEERING COMMENTS:**

#### **REQUIRED ENGINEERING RELATED PERMITS**

This application is only to add an additional ingress point on Indiantown Road to access the future County park. No other site modifications are proposed with this approval.

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a permit from the Florida Department of Transportation for access onto Indiantown Road.

#### **TRAFFIC IMPACTS**

Total net new traffic expected from this project is 68 trips per day, 2 trips in the PM peak hour. On the weekend, total net new traffic expected from this project is 364 trips per day, 108 trips in the peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard. There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

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### **PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Comment.

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### **ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: This park is under development. ERM will be working with the Park and Recreation Department to minimize the disturbance of native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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**OTHER:**

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Comment.

PARKS AND RECREATION: There will be no change to the approved 30-acres park site.

CONCURRENCY: Concurrency approval will not be affected by the proposed request.

WATER/SEWER PROVIDER: Town of Jupiter Water Utilities and Loxahatchee River Environmental Control District.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

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**FINDINGS:**

**Development Order Amendments:**

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.- 2.B and provides the following assessment:

- 1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The proposed amendment to add the access point is consistent with the site’s LR-3 FLU designation and the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use. The subject site is within the Urban Suburban Tier.

- 2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The amendment complies with the applicable standards and provisions of the Code for use, layout, function, and general development characteristics. The proposal to add an additional ingress point on Indiantown Road to access the future County Park requires site plan approval and is therefore



consistent with the ULDC.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The site has been the subject of previous approvals that were determined to be generally consistent with the uses and character of the land surrounding and in the vicinity of the site. The adjacent properties and character of the land in the surrounding development would not be negatively affected by this amendment as the proposed addition of the access point (ingress only) to allow an additional entrance to the approved but undeveloped County Water Park site would reduce the intensity in the number of traffic sharing the same entrance as well as limit the impact of traffic egress on to Jonathan's Drive. As proposed and subject to conditions of approval, the request presents no incompatibilities as defined in the ULDC.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The subject site has been the subject of previous approvals that were determined to minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The applicant is proposing to add one access point (ingress only) to allow entrance to the approved but undeveloped proposed Waterway County Waterway Park site. A final site plan for the park will be approved (Application DRO-2010-1976) administratively should the BCC approved the proposed access point. The proposed access point will reduce the impact of additional traffic entering other approved uses as well limiting the traffic proposing to egress the park on to the existing Jonathan Drive. The proposal shall comply with ULDC regulations and the conditions of approval as contained herein.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

The subject site shall be in compliance with the ULDC and ERM requirements to minimize the disturbance of any native vegetation. Staff has determined that the proposed layout and design of the site minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposal will not change the established development patterns in the area. This amendment would allow an additional secondary access point from Indiantown Road, ingress-only to a previously approved Waterway County Park site and should not impact the existing development. The proposed affected area is to the northern portion of the site, adjacent to the civic site, residential pod (Pods A and AA) within Jonathan's Landing PUD and the Intracoastal Waterway. Staff has determined that the proposed amendment will result a logical, timely and orderly development pattern in that area.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

The proposal is not within any neighborhood plan area.

8. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

The proposed request to add an access point will not have an impact on the Adequate Public Facilities. Adequate public facility capacities for the overall subject site was previously approved and have been confirmed through review of this application.

9. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The subject site was originally approved in October 1973 via Resolution Number R-73-731 to allow a Planned Unit Development. Since then, there has been several approvals, including the approved but undeveloped proposed Waterway County Park, Application No. DRO 2010-1976, currently being reviewed for final site plan approval but pending this approval. The proposal is to allow an additional access point, ingress only to the proposed Waterway County Park with no other amendment to the previously approved Master Plan. The applicant states that the proposal will address concern raised by the residents of Jonathan’s Landing PUD to alleviate some of trafficking on to Jonathan Drive from the ultimate right of way of Indiantown Road to the existing residential development and civic site. The proposal will therefore reduce the traffic impact on the existing Jonathan’s Landing PUD by limiting traffic to egress only from the proposed park site.

## CONDITIONS OF APPROVAL

### EXHIBIT C

#### Development Order Amendment

#### ALL PETITIONS

1. Condition A.1. of Resolution R-97-1084, Control No. 74-195, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-96-1014 (Petition 74-195(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-1084 (Control No. 1974-195), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous Condition A.15 of Resolution R-97-1084, Control No. 74-195 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 14, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

The approved preliminary master plan is dated November 15, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### DRO-GENERAL

1. All water body areas in the project shall be maintained by the homeowners or condominium association. (ONGOING: CO ATTY -Zoning) (Previous Condition A.12 of Resolution R-97-1084, Control No. 74-195)

2. Previous Condition A.13 of Resolution R-97-1084, Control No. 74-195 which currently states:

Relocation of all persons presently residing on the subject site shall be at the developer's expense. (Status: Done.)

Is hereby deleted - [Reason: No longer applicable]

3. Prior to master plan certification by the Development Review Committee (DRC), the site plan for the commercial pod shall be amended to reflect all changes required by the conditions of approval contained herein. (Previous Condition A.14 of Resolution R-97-1084, Control No. 74-195) (DRO: ZONING Zoning)

#### ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Indiantown Road at the projects east entrance road. This right-of-



way shall be a minimum of 210 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PERMIT: MONITORING - Eng) (Previous Condition E.1 of Resolution R-1997-1084, Control No. 1974-195)

[Note: COMPLETED]

2. The Property owner shall construct:

- a. right turn lane south approach on SR A1A at the projects south entrance;
- b. right turn lane west approach on Indiantown Road at the projects east entrance; and
- c. channelized left turn lane (partial median opening to permit lefts in only) on Indiantown Road at the projects east entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Should the Department of Transportation deny permits for this construction, then the property owner shall be relieved of that portion of this condition which is denied. This shall also apply with the right of way condition above. All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING / Eng) (Previous Condition E.2 of Resolution R-1997-1084, Control No. 1974-195)

[Note: COMPLETED]

3. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ONGOING: ENGINEERING - Eng) (Previous Condition E.3 of Resolution R-1997-1084, Control No. 1974-195)

4. Drainage Plan to be submitted and approved by the applicable governmental agencies for protection of the aquatic preserve. (ONGOING: ENGINEERING - Eng) (Previous Condition 6 of Resolution R-1997-1084, Control No. 1974-195)

5. Developer agrees to provide fees as required by Palm Beach County's Fair Share Contribution for Road Improvements Ordinance. (ENG) (Previous Condition 9 of Resolution R-1997-1084, Control No. 1974-195) [Note: COMPLETED]

6. The signalization of the three (3) turnouts as shown on the Preliminary Master Land Use Plan shall be installed at the developer's expense. (ONGOING: ENGINEERING - Eng) (Previous Condition 10 of Resolution R-1997-1084, Control No. 1974-195)

7. Prior to the issuance of any building permits the developer shall dedicate to Palm Beach County the required rights-of-way for Alternate A-1-A and Indiantown Road. (ONGOING: ENGINEERING - Eng) (Previous Condition 11 of Resolution R-1997-1084, Control No. 1974-195) [Note: COMPLETED]

8. The Property owner shall construct a right turn lane west approach on Indiantown Road at the new ingress location for the Waterway Park. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first building permit for the Waterway Park. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the Waterway Park. (CO: MONITORING-Eng)

9. Prior to January 27, 2012 or prior to issuance of the first building permit for the Waterway Park, whichever shall occur first, the property owner shall plat the park and remaining parcels in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE/BLDG PERMIT: MONITORING-Eng)

#### ENVIRONMENTAL

1. Developer shall preserve the specimen trees when developing the South Peninsula. (ONGOING: ERM-erm)(Previously Condition A.5 of Resolution R-97-1084, Control No. 74-195(B))

2. Prior to the dredging of the marina the appropriate approvals shall be obtained from all required governmental agencies. (Previously Condition A.2 of Resolution R-97-1048, Petition 74-195(C)) (Status: Complete)

#### LANDSCAPE - GENERAL

1. All trees required to be planted in the commercial pod shall meet the following minimum standards at installation:

a. Tree height: fourteen (14) feet.

b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning) (Previous Condition C.1 of Resolution R-97-1084, Control No. 74-195)

#### LANDSCAPE - INTERIOR

2. Interior grade-level tree planters shall be required within all applicable parking areas in accordance with Section 7.3.E.2.a.(2)(b) of the ULDC. (CO: LANDSCAPE Zoning) (Previous Condition C.2 of Resolution R-97-1084, Control No. 74-195)

3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRO: LANDSCAPE Zoning) (Previous Condition C.3 of Resolution R-97-1084, Control No. 74-195)

4. Landscape islands shall be provided along the front and side facades of all commercial structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover. (CO: LANDSCAPE Zoning) (Previous Condition C.4 of Resolution R-97-1084, Control No. 74-195)

5. The landscape island square footage and plant material required along the front and side facades of the Convenience store and accessory car wash, may be relocated and added to the outparcel's perimeter landscape buffers and interior islands. (CO: LANDSCAPE Zoning) (Previous Condition C.5 of Resolution R-97-1084, Control No. 74-195)

#### LANDSCAPE - GENERAL-LANDSCAPING ALONG SOUTH PROPERTY LINE OF COMMERCIAL POD - ABUTTING RESIDENTIAL

6. Landscaping and buffering along the south property line of the commercial pod, abutting residential Pod J, shall be upgraded to include:

a. A minimum fifteen (15) foot wide landscape buffer strip; and

b. A six (6) foot high opaque concrete wall. The wall shall not encroach any setbacks required by ENCON for utility purposes. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE-Zoning) (Previous Condition D.1 of Resolution R-97-1084, Control No. 74-195)

#### LANDSCAPE - GENERAL

7. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every twenty (20) feet on center;
- b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE-Zoning) (Previous Condition D.2 of Resolution R-97-1084, Control No. 74-195)

8. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Condition D.3 of Resolution R-97-1084, Control No. 74-195)

#### LANDSCAPE - GENERAL-LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES OF COMMERCIAL POD (ABUTTING R-O-W)

9. Landscaping and buffering along the north and west property lines of the commercial pod shall be upgraded to meet the standards of the Jupiter IOZ. (CO: LANDSCAPE-Zoning) (Previous Condition F.1 of Resolution R-97-1084, Control No. 74-195)

#### LIGHTING-LIGHTING - COMMERCIAL POD ONLY

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition G.1 of Resolution R-97-1084, Control No. 74-195)

2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG-Zoning) (Previous Condition G.2 of Resolution R-97-1084, Control No. 74-195)

#### PARKING-COMMERCIAL POD ONLY

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF Zoning) (Previous Condition J.1 of Resolution R-97-1084, Control No. 74-195)

2. Prior to master plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (DRO: ZONING Zoning) (Previous Condition J.2 of Resolution R-97-1084, Control No. 74-195)

#### PARKS

1. The North Peninsula (30 acres) and abutting property will be deeded for a Metropolitan Park in perpetuity and the reasonable use of said park, by the public, shall be worked out between the Palm Beach County Planning, Zoning and Building Department and the developer after approval of the Final Master Land Use Plan and prior to the filing of the first plat. (ONGOING: PLAT/PARKS Parks) (Previous Condition A.3 of Resolution R-97-1084, Control No. 74-195) (Status: Completed)

#### PARKS-PARCEL AA

1. The developer of and/or builders in Parcel AA, shall include in all written sales brochures, contracts, site plans and master plans, a disclosure statement identifying the 30 acre park property as County-owned property to be developed and operated as a public park and all interested parties should contact the Palm Beach County Parks and Recreation Department for information pertaining to the park. (ONGOING: PARKS - Parks) (Previous Condition B.1 of Resolution R-97-1084, Control No. 74-195)

#### PLANNED DEVELOPMENT-COMMERCIAL POD ONLY

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner



acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CO ATT - Zoning) (Previous Condition I.1 of Resolution R-97-1084, Control No. 74-195)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: CO ATT - Zoning) (Previous Condition I.2 of Resolution R-97-1084, Control No. 74-195)

3. Similar architectural character and treatment shall be provided on all sides of the proposed Convenience store, car wash and gas island canopy. (BLDG PERMIT: BLDG - Zoning) (Previous Condition I.3 of Resolution R-97-1084, Control No. 74-195)

4. The owner of the Convenience store shall provide air and water to the public for minor vehicle maintenance at no charge. (ONGOING: CODE ENF Zoning) (Previous Condition I.4 of Resolution R-97-1084, Control No. 74-195)

5. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the site plan dated July 14, 1997. (DRO: ZONING Zoning) (Previous Condition I.5 of Resolution R-97-1084, Control No. 74-195)

#### PLANNING

1. Gross density shall not exceed eight (8) dwelling units per acre. (Previous Condition A.7 of Resolution R-97-1084, Control No. 74-195) (DRO: PLANNING Planning)

#### SCHOOL BOARD

1. Condition H.1 of Resolution R-1997-1084, Control No. 1974-195(C), which currently states:

a. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)

b. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the certificate of occupancy (CO) for the convenience store located in parcel 5. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

Is hereby deleted [Reason: No longer applicable]

#### SIGNS-COMMERCIAL POD ONLY

1. Point of purchase and/or freestanding signs fronting on Alternate A1A shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 180 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (CO: BLDG Zoning) (Previously Condition K.1 of Resolution R-97-1084, Control No. 74-195)

2. Point of purchase and/or freestanding signs fronting on Indiantown Road shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
  - b. Maximum sign face area per side - 180 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG Zoning) (Previously Condition K.2 of Resolution R-97-1084, Control No. 74-195)

3. Outparcel identification signs shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 80 square feet;
- c. Maximum number of signs - one (1) per outparcel; and
- d. Style - monument style only. (CO: BLDG Zoning) (Previous Condition K.3 of Resolution R-97-1084, Control No. 74-195)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

Exhibit D: Disclosure Forms

Not required as the property is owned by a Government entity.